United Nations A/HRC/WG.6/23/FSM/1

General Assembly

Distr.: General
7 August 2015

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Twenty-third session
2–13 November 2015

National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

Federated States of Micronesia

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GE.15-13374(E)

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Acronyms

AIDS	Auto Immune Deficiency Syndrome
CEDAW	Convention on the Elimination of Discrimination Against Women
CPBR	Child Protection Baseline Report
CRPD	Convention on the Rights of Persons with Disability
EpiNet	Epidemiology Network
FHSS	Family Health and Safety Study
FSM	Federated States of Micronesia
HIV	Human Immunodeficiency Virus
IAC	Inter-Agency Conference
ILO	International Labor Organization
IOM	International Organization for Migration
MedEvac	Medical Evacuation
NWC	National Women's Conference
OHCHR	Office of the United Nations High Commissioner for Human Rights
SDP	Strategic Development Plan
UNCAC	United Nations Conventions Against Corruption
UNFCCC	United Nations Framework Convention on Climate Change
UNFPA	United Nations Population Fund
VAW	Violent Against Women
WHO	World Health Organization

Background

1. The Federated States of Micronesia (FSM) is comprised of four major island groups totaling 607 islands in the North Pacific Ocean and forming four states in the federation: Chuuk, Kosrae, Pohnpei, and Yap.

2. The FSM was colonized by Spain, Germany, and Japan in the 19th century and the first half of the 20th century, and was administered as a United Nations strategic trusteeship by the United States of America after World War II. The FSM adopted a Constitution by plebiscite in 1979 and entered into a Compact of Free Association with the United States of America in 1986 as an independent and sovereign State. Today, the FSM has its own government and leadership similar to the structure and system of the United States government.

3. Chuuk, Kosrae, Pohnpei and Yap all have their own state constitutions, elected officials, and policies, in part because of the dispersed geographic make-up of the FSM. However, the FSM Constitution is the supreme law of the land, with which the laws and regulations of the four states must comply. Additionally, the FSM National Government has exclusive competence in certain legal and regulatory matters. The capital of the FSM is Palikir, Pohnpei. The National Government is located in Pohnpei, and it is the entity that represents all the four states of the FSM in international relations. The President of the FSM is Head of State. The President governs with the assistance of a Vice President and a cabinet that includes Secretaries of the seven Executive Departments and Directors and Heads of eleven independent offices. The FSM has a unicameral Congress with 14 Members representing the four states of Chuuk, Kosrae, Pohnpei and Yap. Ten Members are elected into office every two years, and the other four are elected every four years. The FSM Supreme Court is the highest judicial body in the country, with a Chief Justice presiding along with several Associate Justices. Each of the four states in the FSM has a State Court system.

4. The people of the FSM are etinically Micronesian, although each person in the FSM is known as Chuukese, Kosraean, Pohnpeian or Yapese depending on which of the four states the person is from. The official language of the FSM is English, but each state has its own native language(s). The population of the FSM is over 100,000. The population lives partly on a subsistence basis – particularly farming and fishing – but the FSM economy is largely dependent on annual financial assistance from the United States of America pursuant to a Compact of Free Association between the two countries. Under the Compact of Free Association, FSM citizens can enter and live in the United States indefinitely and without visas. FSM citizens immigrate to the United States in search of better life opportunities, particularly education and employment. The currency used in the FSM is the US Dollar.

Introduction

5. Following the last Universal Periodic Review (UPR) cycle, the Government of the Federated States of Micronesia continues to work towards improving the human rights issues in country, and offers a response to the recommendations made at the first reporting cycle of the UPR through this report.

I. Methodology and consultation process

6. This report is the result of extensive departmental meetings and consultations. The UPR Task Force was created by Presidential Order in May of 2015 and comprised of representatives from the FSM Departments of Health and Social Affairs, Foreign Affairs, Justice, Resources and Development, and Education; the Division of Statistics; and non-governmental organizations.

7. A workshop was co-facilitated by the FSM, the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Pacific Islands Forum, and the Secretariat of the Pacific Community/Regional Resource Rights Team in August of 2014 that brought together human rights stakeholders from the governmental and non-governmental sides. The outcome of that workshop was a UPR Timelines and Matrix document whose contents – properly updated – populate this report.

II. Developments of normative and institutional framework for human rights

A. National laws and legislation

8. Since the last UPR Report, the FSM has enacted the Trafficking in Persons Act of 2012.

B. National measures and policies

9. National Strategic Development Plan (2004-2023) The FSM Strategic Development Plan (SDP) was developed in 2004 when the FSM entered a new phase of the amended Compact of Free Association with the United States. The SDP comes in two volumes. It is the country's primary national planning economic mechanism. The first volume covers the major components of the Plan and presents an overview of the FSM's economy, policies and development strategies for each sector of the economy. The second volume contains the sector planning matrices. They are complementary of each other and should be used in cross reference with each other.

10. FSM National Gender Policy The FSM had gender focal points from the National Government and non-governmental organizations undergo training in June 2015 on gender mainstreaming to strengthen their capacity within their roles and identify an effective approach to developing a national gender policy by integrating states-level gender action plans. Guidelines to develop the national gender policy include a number of key international and regional policy frameworks containing commitments to gender equality such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the 1995 Beijing Platform for Action, the United Nations Millennium Development Goals, the Revised Pacific Platform for Action on the Advancement of Women and Gender Equality 2005-2015, and the 2012 Pacific Leaders Declaration on Gender Equality.

11. FSM Disability Policy (2009–2016) The National Policy on Disability is the result of a wide stakeholder consultation throughout the states of the FSM in March 2006. The consultations were coordinated and managed through the FSM Department of Health and Social Affairs. The outcome of these discussions represents the conclusions reached through the state and national consultation processes. Although the policy is to be administered through the FSM Department of Health and Social Affairs, the policy

recognizes that if progress is to be made in addressing the rights and needs of persons with disabilities, there is a need for strong partnerships between national and state focal points on disability. Civil society, including churches, grass-roots organizations and community organizations involving persons with disabilities, the private sector and professional associations have important roles to play in promoting human rights and supporting and delivering services to persons with disabilities.

12. FSM National Youth Policy (2004–2010) The FSM National Youth Policy is up for review this year. The Policy is the youth's national response to addressing youth issues in the FSM. It fully supports the visions of the country, and serves as a tool for enabling the FSM's youth to actively contribute to the development of the nation and improving their quality of life in the process.

13. FSM Nationwide Integrated Disaster Risk Management and Climate Change Policy (June 2013) This policy which complements the FSM's Strategic Development Plan (2004–2023) was developed in recognition of the need to safeguard the development of the FSM's people, resources and economy, now and in the future, against the risks posed by climate change. In order for this policy to be a success, there needs to be awareness of the climate change issues that our islands face, and proactive responses such as climate change mitigation efforts, disaster risk reduction strategies, and climate change adaptation. The Nationwide Integrated Disaster Risk Management and Climate Change Policy was created in the hopes that it will be a guiding tool for meetings during discussions of regional and international treaty obligations and objectives that the FSM has accepted, such as those pursuant to the United Nations Framework Convention on Climate Change (UNFCCC).

14. Federated States of Micronesia Agriculture Policy 2012-2016 The FSM Agriculture Policy provides the basis for action by everyone in the public and private sectors in the FSM to enliven sustainable agricultural growth. The FSM faces multiple challenges in achieving national food security and sustaining livelihoods due to the fact that the national economy still depends on US aid and Compact funding. However, there is developmental potential in fisheries and agriculture, and the policy recognizes the important role played by traditional farming and its impact on social and cultural livelihoods in the FSM.

15. FSM National Energy Policy of 2012 The development of the FSM National Energy Policy started in 2008 when FSM leaders agreed on having a policy on energy which will incorporate the states' action plans on becoming less dependent on fossil fuels and more prepared with alternative energy sources to cope with wildly fluctuating energy prices. A National Energy Workgroup was formulated and workshops and consultations were carried out until the final product was endorsed and adopted. The policy has two volumes: one on the overarching policy and the other on the states' action plans. It has workable and realistic goals and objectives that the FSM can attain.

16. Official authorities and government organizations concerned with human rights The following government agencies and organizations actively address human rights issues in the FSM: the Office of the President, the Department of Foreign Affairs, the Department of Health and Social Affairs, the Department of Justice, the Department of Resources and Development, the Office of National Archives, Culture and Historic Preservation, the Office of Environment and Emergency Management, the Department of Education, and the Department of Transportation, Communications and Infrastructure.

III. Promotion and protection of human rights on the ground: implementation of international human rights obligations identified in the "basis of review," national legislation and voluntary commitments, national human rights institutions activities, public awareness of human rights, cooperation with human rights mechanisms

17. The FSM launched the Child Protection Baseline Report (CPBR) in October of 2014. Accompanying the CPBR was the Atlas of the 2013 Child Equity Social Indicators.

18. The FSM completed a Family Health and Safety Study (FHSS) in 2014 with financial support from the Australian Government's Department of Foreign Affairs and the United Nations Population Fund (UNFPA). The FHSS is the first research effort to gather comprehensive information on violence against women (VAW) in the FSM. It is understood that violence against women is one of the most serious human rights violations and public health issues worldwide. The study used the United Nation's definition of VAW, which is "any act of gender-based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or private life." (UN Resolution A/RES/48/104, 1993). The study examined how women experience violence – physical and/or sexual partner violence, emotional partner violence, economic partner violence, the impact of partner violence on women's health, risk factors associated with physical or sexual partner violence, impact on children, intergenerational aspects of partner violence, violence by non-partners – including whether existing laws provide adequate protection for potential victims of domestic violence. The collected data and findings of the FHSS show that VAW in the FSM is prevalent, and most of it is inflicted by people women know very well. Unfortunately, the women often remain silent because they either cannot get out of the situation, or plainly believe that such violence is normal. The FHSS highlights the significant need for raising awareness and education on VAW and gender roles as well as provides important strategies and recommendations on how to improve the welfare of women and children.

19. The FSM completed its CEDAW country report and submitted it to the CEDAW Committee in June 2015.

IV. Actions taken to respond to recommendations arising from the first UPR round

A. Thematic area: international human rights treaties

Recommendations 1–10

20. The FSM has ratified the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography in April 2012. The FSM National Government's procedures for ratifying the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict have been completed, and the FSM is now in the process of depositing its instrument of ratification for the Protocol. The FSM is still developing plans before it ratifies the other core human rights treaties such as the International Covenant on Economic, Social, and Cultural Rights; and the International Covenant on Civil and Political Rights. The FSM also signed the Convention on the Rights of Persons with Disabilities (CRPD) in 2011, but has not ratified it. There are ongoing state and national consultations and awareness-raising

about the CRPD in order to garner support for its ratification. The FSM acceded to the United Nations Convention against Corruption (UNCAC) in March 2012. A Financial Intelligence Unit was created under the FSM National Police pursuant to the UNCAC, and the FSM Department of Justice is developing a website to assist in this measure.

Recommendations 11–12

21. In November 2011, the FSM ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Conventions against Transnational Organized Crime (Palermo Protocol), with a view to providing effective protection for victims of human trafficking and punishing the perpetrators of this crime. It was signed into law in March 2012. As a result, a Transnational Crime Unit was established under the FSM Department of Justice. All of the four FSM states have their own anti-human trafficking laws. The FSM Department of Justice held nation-wide training for police and public safety officials on human trafficking in March 2012.

Recommendation 13

22. There is ongoing discussion for the FSM to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the 1951 Convention relating to the Status of the Refugees and the 1967 Protocol thereto.

Recommendation 14

23. The FSM participated in the development of the Pacific Regional Strategy on Disability to implement human rights initiatives in the Pacific. The FSM held awareness meetings and workshops on the CRPD and collaborated with non-governmental organizations in introducing the CRPD to the FSM Congress in 2013. The FSM, with the World Health Organization, co-sponsored training on Community Based Rehabilitation in October 2014. The FSM also hosted the Pacific Forum Disability Ministerial Meeting in October 2014. In April to June of this year, the FSM National Government and the FSM National Disabled People Organization conducted state visits to consult on the National Disability Policy as well as on the CRPD to solicit all four states' support for the ratification of the CRPD by the FSM Congress in the next Congressional regular session. The FSM hosts the Interagency Conference every two years. This Conference is organized by various agencies and developmental partners supporting persons with disabilities and other marginalized populations in the FSM.

Recommendation 15

24. There is ongoing discussion for the FSM to consider seeking membership in the International Labor Organization (ILO) with a view to ratifying the ILO's fundamental conventions.

Recommendations 16–20

25. The FSM continues to work with state governments to withdraw the FSM's reservations to CEDAW. There have been some positive changes since making these reservations to CEDAW, but the FSM has yet to decide to withdraw these reservations.

B. Thematic area: Legislative and other reforms on thematic human rights issues

Recommendation 21

26. The FSM has enacted a National Anti-Human Trafficking Law, and all four states have their own anti-human trafficking laws as well. There are plans to review and update both the National Youth Policy and National Disability Policy in 2015. In 2014, Kosrae State enacted a Family Protection Act, L.B.10-20, L.D.3, and this year supported the FSM's accession to the CRPD through a resolution, L.R.11-26, 2015. Chuuk State amended its Age of Consent Act to raise the age of consent from 13 years of age to 18 years of age, Chuuk State Law 12-14-18. Pohnpei State reintroduced its proposal for a Family Protection Act to the Pohnpei State Legislature, and Yap State expressed its support through a Yap State Legislature resolution for the FSM to ratify the CRPD, Yap State Resolution 9-13, 2015.

27. All state hospitals, clinic sites and post offices are disability-friendly-structured.

28. All four states have established People with Disabilities Organizations. Three of them are chartered and one is currently organizing itself to begin later this year.

29. There is an FSM Bar Association that was created in 2012 for male and female lawyers. All four states have free access to legal representation from the Public Defender's Office, Micronesian Legal Services Corporation, and state trial counselors.

Recommendation 22

30. The FSM continues to consider the previous UPR recommendation to conduct a comprehensive review of existing legislation and harmonize law and customary practices in all four states with international standards.

Recommendation 23

31. In 2012, a bill was introduced in the FSM Congress to amend the FSM Constitution to provide reserved seats for women in Congress. The bill did not survive first reading.

32. The FSM has a maternity leave law, Public Law 16-15, which grants paid leave up to six weeks.

33. The FSM launched its 2013 Children's Atlas of Social Indicators and findings of the FSM Child Protection Baseline Report (CPBR) in October 2014. The atlas provides a focused and up-to-date overview of social indicators and identifies gaps and weaknesses in all areas where children are concerned. The CPBR provides evidence on child protection measures in the FSM.

34. There are ongoing awareness programs on women and children by the women's groups in the FSM: the Pohnpei Women's Council, the Chuuk Women's Council, the Yap Women's Association, and the Kosrae Women's Association. The groups convened in October 2014 during the National Women's Conference and shared outcomes from regional meetings such as the 12th Triennial Women's Pacific Conference, discussed issues regarding the progress of women in the FSM, women and children's access to health and education, women's leadership roles, emerging and pressing issues from the youth in the FSM, and climate, energy and food security. The next Women's Conference is scheduled to take place in 2016 in Yap State.

Recommendation 24

35. The FSM continues to consider the previous UPR recommendation to address any customary practices in the FSM that are inconsistent with the FSM's obligations under international law, with an eye toward possibly bringing its national laws relating to women and children in line with its obligations under international human rights law.

Recommendation 30

36. To strengthen legislation in the area of marriage in accordance with CEDAW, the FSM states have done the following: Kosrae enacted its Family Protection Act, LB 10-20, L.D.3, 2014; Chuuk increased the age of consent from 13 to 18, Chuuk State Law 12-14-18, 2014; and Pohnpei set up a Domestic Violence unit with the Pohnpei State Department of Public Safety.

Recommendations 46–47

37. The FSM submitted its combined initial to third periodic reports for CEDAW in June 2015. A UPR Task Force comprised of representatives from the FSM Departments of Health and Social Affairs, Foreign Affairs, Justice, and Resources and Development, as well as from non-governmental organizations, was created by Presidential Order on May 19, 2015. Planning for the development of the country's report for the Convention on the Rights of the Child is ongoing by the UPR Task Force. Letters of requests for technical assistance have been sent to regional partners such as the Pacific Islands Forum and the Secretariat for the Pacific Community/Regional Resource Rights Team.

Recommendation 55

38. The FSM continues to implement measures in its ongoing efforts to eliminate discrimination and all forms of violence against women and children. Such efforts include completing a Gender Stocktake in 2012 and a Family Health and Safety Study in 2014, which both address the need to prevent and combat ill treatment, sexual abuse and violence against women and children. All four states have multipurpose centers that serve the women and children in their communities and can easily double as women's activity places and shelters and children's day care centers. Yap State has secret shelters that the state government does not know about that cater to mothers and children victims of domestic violence. The FSM has a National Sexual Harassment Policy in the workplace.

C. Thematic area: human rights institutions

Recommendations 39–41

39. The FSM continues to work on strengthening existing governmental mechanisms such as the Gender Development and Human Rights Office Desk within the FSM Department of Health and Social Affairs, which coordinates human rights-related activities and obligations. The FSM is still in the process of requesting a scoping mission from regional organizations, such as the Pacific Islands Forum Secretariat and the Secretariat of the Pacific Community/Regional Rights Resource Team.

D. Thematic area: human rights education and awareness/health

Recommendation 43

40. A bill was introduced in the FSM Congress in January 2014 for the creation of an Office of Gender Affairs in the National Government Executive Branch (CB 18-118). The

FSM National Women's Conference (NWC) is a meeting whereby women from government and nongovernment side convene to discuss issues surrounding health, education, social security, agriculture, business, climate change, family life, among many others. Craft sharing and dancing are also shared during this time. In 2010, Kosrae State hosted the FSM NWC. Chuuk State hosted it in 2012, and Pohnpei State had its turn last year 2014.

41. The FSM Inter-Agency Consultation (IAC) is a conference on Disability. Pohnpei State hosted the IAC in 2013. The presentation on the CRPD and National Disability Policy was shared with all the stakeholders including service providers from all the four states.

42. March 8 is International Women's Day and is celebrated in all four states. Activities include awareness programs about HIV-testing and non-communicable diseases and showcases of local arts and crafts.

43. The 16 Days of Activism is also celebrated in all four states and is led by the women's groups. Activities include celebrating White Ribbon Day, International Disability Day, and World AIDS Day.

44. Women's Health Week is a week-long event where the women of the FSM are educated on health issues such as breast cancer, cervical cancer, HIV/AIDS, and non-communicable diseases. Free Pap smears and high blood pressure checkups are also given out.

45. The MedEvac Program is a program in Yap State that caters to first-time pregnant mothers in the neighboring islands. The women are given a stipend by the Yap State government to help supplement their needs while on the main island.

46. International Youth Day is celebrated in all four states on August 12. Their agenda usually focuses on youth development in the nation. All the states have youth groups and an overarching council that oversees their programs and activities.

Recommendation 45

47. The FSM has yet to ensure that its national programs in the field of education include human rights education and training.

Recommendation 53

48. The FSM National Curriculum and Standards has Life and Environmental Science and Biology courses that encourage the study of the human life cycle and reproduction. Human rights issues such as women's roles are discussed in Social Studies/Micronesian Studies and arise as topics during school debates.

Recommendation 57

49. The FSM hosted a police academy training in 2013. Chuuk State hosts a legal training program for members of law enforcement, and invites members from the other three states to participate. The recently-built Kosrae State prison has separate sections for men, women, and people with mental disability.

Recommendations 67–68

50. The FSM Constitution recognizes the right of people to health care and inclusive education. The FSM Code Title 40 on Compulsory Education ensures that all children attend school.

51. All four states have special education programs for students living with disability.

52. Yap and Kosrae require that children from 6 years to 14 years old must be in school, must be immunized and must be registered.

53. Chuuk State Department of Education raised its educational standards for all teachers so that teachers must hold an Associate of Arts degree or else their positions will be reclassified or re-advertised to attract the most qualified people.

54. All four states have community Fun Walks which promote healthy lifestyles through exercise.

55. Pohnpei State Hospital has a Baby Friendly Policy which encourages exclusive breastfeeding for babies.

56. All of the Youth Councils in the four states educate and raise awareness on health improvement activities such as healthy living lifestyles and making responsible choices.

57. Yap State plans to amend its law to increase the age of consent from 13 to 18 years of age. Yap Reproductive Health Awareness in the communities includes the distribution of free birth control and education on family planning for the youth. The same types of services are also given out at the community health centers around Yap.

58. The National Youth Program funds the Abstinence Program in Kosrae and Pohnpei, which addresses abstinence and safe sex; and the Personal Responsibility Education Program/PREP in all four states, which encourages healthy options in the school curricula that help keep the youth out of danger and risky decisions.

59. Pohnpei State has various youth groups – including a Youth for Change group and a Youth Media group – which look out for the betterment of the youth and encourage the telling of their stories and issues through the use of media.

60. The National Youth Program plans to revise and update the FSM National Youth Policy by December 2015.

Recommendation 70

61. The FSM Department of Health and Social Affairs has EpiNet, which is a surveillance system for alarming diseases, viruses, and other health dangers. The FSM National Government has banned smoking within, and up to 100 feet from, National Government buildings and property. There are designated smoking areas. All four states have comprehensive Cancer Programs and Immunization Programs in all their health departments. The FSM and Pohnpei State have HIV Laws.

62. Yap State has a Medevac Program where first-time pregnant women in the neighboring islands are brought to the main island for medical checkup and other medical services. They are also given a stipend by the Yap State government to supplement their needs. There is a Yap women's health week which offers free health clinics for all women.

E. Thematic area: trafficking of persons

Recommendation 29

63. The FSM enacted Public Law 17-38 which creates a new subchapter II under chapter 6 of the FSM Code defining crimes relating to trafficking in persons and related offenses, and prescribing appropriate penalties for their violation, and for other purposes.

64. January 22, 2014 was declared as National Anti-Human Trafficking Day in the FSM. It is a day observed for trafficking awareness in all the four states.

Recommendation 63

65. The FSM enacted the Trafficking in Persons Act in 2012. All the four states have their own anti-human trafficking laws: the Kosrae Anti-Human Trafficking Act of 2013, the Yap Human Trafficking Law of 2013, the Pohnpei Anti-Human Trafficking Act of 2012, and the Chuuk Human Trafficking Act of 2012.

F. Thematic area: socio-economic development

Recommendation 44

66. The FSM hosts an annual State and National Leadership Conference wherein national priorities relating to the National Strategic Development Plan and Millennium Development Goals are brought together to be discussed by the leaders. The Micronesian Chief Executives Summit takes place once a year to discuss sub-regional issues such as trade, transportation, climate change, and health, among others. The annual Micronesian Presidents Summit brings together the Presidents of Palau, the Marshall Islands, and the FSM to discuss national commitments and priorities.

Recommendation 69

67. The four states carry out activities and programs to develop their economies in accordance with national conditions, reduce poverty, and empower women. The Kosrae State Department of Health has a program that helps patients with special needs earn money through office work service. There is also a program specifically for Women in Agriculture in Kosrae. Seedlings and stalks are distributed to the women to plant in their backyards. During harvest, they bring their produce to sell in town. There is a Work Development Program that is offered in Pohnpei and Kosrae where student drop-outs earn stipends while training in a wide range of vocational areas. Pohnpei has a Market Day that takes place once every two months where the women from the villages bring their local produce and handicrafts and sell them in town. In Yap, there is a recycling initiative which provides income for women.

G. Thematic area: human rights special procedures

Recommendations 48–49

68. There is ongoing discussion for the FSM to issue a standing invitation to the special procedures of the Human Rights Council.

H. Thematic area: gender and inequality

Recommendation 42

69. To implement the national plan of action to promote gender equality and strategies to address gender based violence, the FSM established a Gender Office at the National Government level with gender focal points in Pohnpei and Yap.

70. In June 2015, a Gender Mainstream workshop was conducted in Pohnpei to develop the National Gender Policy. The workshop aimed to strengthen the capacities of the gender focal points of each state, the National Government, and civil society organisations in mainstreaming gender. The workshop also aimed to identify an effective approach to develop a national gender policy and states-level gender action plans. One objective of the National Gender Policy is to address gender based violence.

Recommendation 50

71. A bill was introduced in the FSM Congress in January 2014 – C.B. No. 18-132 – proposing amendments to the FSM Constitution for the purpose of guaranteeing the representation of women in Congress by creating additional at-large seats in Congress reserved for women, and for other purposes.

72. The FSM continues to promote the participation of women in decision-making processes. By December 2013, the FSM Executive Branch had nominated, and the FSM Congress had confirmed, the first female cabinet member, the first female Justice appointed to the FSM Supreme Court, and the first female Permanent Representative of the FSM to the United Nations. At the state level, there have been two female Senators in the Pohnpei State Legislatures, as well as a female Judge on the Pohnpei State Supreme Court.

Recommendation 51

73. A major effort undertaken by the FSM to combat VAW was the completion of the Family Health and Safety Study in 2014.

74. The Kosrae State government passed its Family Protection Act in 2013, while the Pohnpei Family Violence Bill is pending before the Pohnpei State Legislature.

75. There is an FSM Women in Business Network which comprises female private business owners.

76. The year 2012 was a significant one for women as the FSM witnessed the rise of women to prominent leadership positions. Four women were confirmed as cabinet ministers, the first female judge was seated in the nation's highest court as an Associate Justice, and the first female ambassador was confirmed to one of the FSM's most senior diplomatic posts as the FSM's Permanent Representative to the United Nations.

Recommendation 52

77. The FSM has taken steps to address this recommendation, such as participating in the 2010 and 2014 meetings of the International Conference on Population and Development to understand issues surrounding discrimination on the basis of sexual orientation or gender.

Recommendation 54

78. The FSM reiterated its commitment to the advancement of gender equality through the Leaders' Declaration on Gender Equality endorsed in Rarotonga in 2012, as well as the Pacific Platform for Action for the Advancement of Women and Gender Equality (2005–2015).

79. The FSM had gender focal points from the government and non-governmental organizations undergo training in June 2015 on Gender Mainstreaming to strengthen their capacity within their roles, and identify an effective approach to develop a national gender policy by integrating states-level gender action plans.

80. The FSM, in collaboration with the Secretariat of the Pacific Community, completed a comprehensive Gender Stocktake in 2012. The Stocktake was designed to determine the extent to which the capacity for effective gender mainstreaming exists in national governments, and to identify potential areas of strategic intervention to strengthen such capacity.

Recommendation 59

81. All four states have multipurpose centers that serve the women and children in the communities and can easily double as women's activity places and shelters and children's day care centers.

I. Thematic area: child protection

Recommendations 31–38

82. The Kosrae Family and Minor Law – Section 16.1202 of Title 16 of the Kosrae State Code – compels health care providers, teachers or anyone to report to the Office of the Attorney General of Kosrae any evidence of suspicion that a child has been abused.

83. The FSM State Courts ensure that parents/guardians of individuals charged as juvenile offenders are involved in the trial process when they choose to be involved, and that the young persons are legally represented.

84. The FSM states have legislation dealing with sexual offences against children under general provisions of their criminal codes relating to sexual offences.

85. FSM Public Law 17-38 specifically deals with protecting children from human trafficking. Chuuk State increased the age of consent from 13 years old to 18 years old.

Recommendation 56

86. The FSM launched the Child Protection Baseline Report (CPBR) in October of 2014. Accompanying the Child Protection Baseline was the Atlas of the 2013 Child Equity Social Indicators. The CPBR provides analysis of legal frameworks, formal social service structures, and the various environments provided by communities and families; and reviews how effectively each promotes the protection of children.

87. The FSM, in collaboration with the Secretariat of the Pacific Community, completed a comprehensive Gender Stocktake in 2012. This Gender Stocktake was designed to determine the extent to which capacity for effective gender mainstreaming exists in national governments, and to identify potential areas of strategic intervention to strengthen such capacity.

Recommendation 64

88. The FSM completed the Family Health and Safety Study (FHSS) in 2014. The FHSS is a study of various aspects of a woman's life including socioeconomic information, her health, her family, and her relationships. The Kosrae State government enacted the Family Protection Act in 2013. The Chuuk State government increased the age of consent from 13 years old to 18 years old.

89. The FSM completed its CEDAW country report and submitted it to the CEDAW Committee in June 2015.

Recommendation 65

90. All four states of the FSM have centers that serve the women and children in their communities and can easily double as women's activity places and shelters and children's day care centers.

Recommendation 66

91. Title 41, Chapter 5 of the FSM Code states that the FSM Government is responsible for the care and protection of children removed from their homes because of abuse.

J. Thematic area: environment and climate change

Recommendation 73

92. The FSM ratified the Doha Amendment to the Kyoto Protocol to the UNFCCC in January 2014.

93. All four states and the FSM National Government have Emergency Operations Centers that serve as central meeting and communication points during an environmental emergency. In March 2013, the FSM completed upgrades to its communications systems for early warning.

94. A Climate Change Tool Kit was developed by the Micronesian Conservation Trust, and The Nature Conservancy offers a standardized methodology for addressing vulnerability and adaptation, participatory assessment research and planning. An FSM Presidential Task Force for Disaster Management was created.

95. The FSM has a Climate Change Law, Public Law 18-35, which was signed into law in December 2013.

96. The FSM received funding from the International Organization for Migration (IOM) to address climate change disaster risk reduction and mitigation steps for climate change response in its school system.

97. Kosrae State incorporated climate change information into its school curricula in 2013.

98. As part of its recycling initiatives, Yap State completely banned the use of plastic bags.

99. The annual Micronesian Presidents Summit brings together the Presidents of Palau, the Marshall Islands, and the FSM to dialogue on common pressing issues such as climate change. The communiqué from their July 2015 meeting notes that "The Presidents called on all nations of the world to take necessary action to limit global warming to below 1.5 degrees, as called for by the Alliance of Small Islands States and other vulnerable countries."

100. The State and National Leadership Conference examines priorities within the FSM including climate change, agriculture, economy, tourism among many others.

K. Thematic area: violence against women

Recommendations 25–28

101. To fully implement legislation related to the rights of women, and explicitly ban marital violence, Kosrae State has enacted its Family Protection Act, LB 10-20, L.D.3, 2014; Chuuk State has increased the age of consent from 13 to 18, CSL12-14-18, 2014; and Pohnpei State has set up a Domestic Violence unit in the Pohnpei State Department of Public Safety. Pohnpei, Yap and Kosrae have No-Drop policies that give exclusive power to the states to decide whether to bring charges against alleged perpetrators of domestic violence. There is a Family Safety bill pending before the Pohnpei State Legislature. The Pohnpei State Government, in partnership with the Secretariat of the Pacific Community,

conducted a gender mainstreaming workshop in Pohnpei for the development of a general policy for the state.

102. The Kosrae State Legislature adopted a resolution on the Implementation of the Kosrae Family Protection Act.

Recommendation 58

103. The four states celebrate International Women's Day. The celebration includes raising awareness of domestic violence issues. Other public awareness activities in the four states include a walk-a-athon on domestic violence in Chuuk, and a market day in Pohnpei.

Recommendations 60–62

104. The government supports the FSM Women's Conference. The conference is held every two years.

105. A Family Health and Safety Study was conducted in the FSM with support from UNFPA, as part of a regional effort to collect prevalence data on violence against women. The collected data as well as accompanying recommendations provide an important road map for addressing child protection and violence against women.

L. Thematic area: international cooperation

Recommendation 70

106. The FSM continues to seek technical assistance from international organizations such as the World Health Organization (WHO); the United Nations Children's Fund; the Food and Agriculture Organization of the United Nations; the United Nations Educational, Scientific, and Cultural Organization; the United Nations Economic and Social Commission for Asia and the Pacific; the United Nations Development Programme; the UNFPA; the OHCHR; and IOM to promote and enhance human rights obligations in the FSM.

Recommendation 71

107. The FSM works closely with regional and international organizations such as the Pacific Islands Forum Secretariat, the Secretariat of the Pacific Community/Regional Resource Rights Team, the WHO, and IOM to implement the FSM's major international human rights obligations.

Recommendation 72

108. The FSM works closely with the United Nations Joint Presence in country to seek further assistance from UN Women, the OHCHR, the Pacific Islands Forum Secretariat, and the Secretariat of the Pacific Community/Regional Resource Rights Team, as well as with non-governmental organizations in the FSM, to address concerns highlighted in the FSM's first UPR.

V. Achievements, best practices, challenges and constraints

109. Achievements in the advancement of human rights in the FSM since 2010 include:

(a) The FSM submitted its country report for the Convention on the Elimination of All Forms of Discrimination Against Women in June 2015;

(b) The FSM completed the Family Health and Safety Study in 2014;

(c) The FSM launched the Child Protection Baseline Report in 2014;

(d) Chuuk State passed its Age of Consent Law in 2013;

(e) The FSM approved its Nation Wide Integrated Disaster Risk Management and Climate Policy in 2013;

(f) The FSM enacted its Trafficking in Persons Act in 2012;

(g) The FSM signed the Convention on the Rights of Persons with Disabilities in 2011.

110. Some of the challenges in moving the human rights agenda forward include:

(a) Financial constraints;

(b) Climate change and related disasters;

(c) Lack of human resources;

(d) Infrastructure limits;

(e) Dispersed geographical layout of the FSM.

VI. Key national priorities and initiatives to undertake in the next few years

111. The FSM prioritizes the following initiatives:

(a) The creation of an FSM National Gender Policy;

(b) The drafting and submission of the FSM's country report for the Convention on the Rights of the Child.

VII. Expectation of the State concerned in terms of capacity building and requests if any, for technical and support received

112. The government of the FSM would like to express its appreciation for all the financial support and technical assistance provided by development partners that helped the FSM in meeting its human rights obligations.

113. The FSM further requests assistance in coordinating human rights efforts at the state and national government levels.

VIII. Voluntary commitments

114. The FSM will continue to work closely with its local, national, regional, and international partners to meet its human rights commitments.

IX. Conclusion

115. **The FSM is grateful for this opportunity to respond to the recommendations made in the last UPR cycle. The FSM commits to continue to work at honoring its human rights obligations.**

United Nations A/HRC/WG.6/23/FSM/2

General Assembly

Distr.: General
24 August 2015

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Twenty-third session
2-13 November 2015

Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21

Federated States of Micronesia

The present report is a compilation of the information contained in reports of the treaty bodies and special procedures, including observations and comments by the State concerned, in reports of the United Nations High Commissioner for Human Rights, and in other relevant official United Nations documents. It is presented in a summarized manner owing to word-limit constraints. For the full texts, please refer to the documents referenced. The report does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review, and developments during that period.

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Please recycle

I. Background and framework

A. Scope of international obligations[1]

International human rights treaties[2]

	Status during previous cycle	*Action after review*	*Not ratified not accepted*
Ratification, accession or succession	CEDAW (2004)	OP-CRC-SC (2012)	ICERD
	CRC (1993)	CRPD (signature, 2011)	ICESCR
	OP-CRC-AC (signature, 2002)		ICCPR
			ICCPR-OP2
			CAT
			OP-CAT
			OP-CRC-AC (signature, 2002)
			ICRMW
			CRPD (signature, 2011)
			ICPPED
Reservations and/or declarations	CEDAW (reservations, arts. 11 (1) (d), 11 (2) (b), 2 (f), 5, 16 and 29 (1), 2004)		
Complaints procedures, inquiries and urgent action[3]			ICERD
			OP-ICESCR
			ICCPR
			ICCPR-OP 1
			OP-CEDAW
			CAT
			OP-CRC-IC
			ICRMW
			OP-CRPD
			ICPPED

Other main relevant international instruments

	Status during previous cycle	*Action after review*	*Not ratified*
Ratification, accession or succession	Geneva Conventions of 12 August 1949 and Additional Protocols I and II[4]		Convention on the Prevention and Punishment of the Crime of Genocide
			Rome Statute of the International

Status during previous cycle	*Action after review*	*Not ratified*
		Criminal Court
		Palermo Protocol[5]
		Conventions on refugees and stateless persons (except 1961 Convention on the Reduction of Statelessness) [6]
		1961 Convention on the Reduction of Statelessness
		Additional Protocol III to the 1949 Geneva Conventions[7]
		ILO fundamental conventions except Nos. 138 and 182[8]
		ILO Convention No. 182[9]
		Convention against Discrimination in Education

1. The United Nations country team based in Suva urged the Federated States of Micronesia to ratify the remaining core international human rights treaties and their optional protocols, in line with the recommendations accepted by the State during its first universal periodic review, in 2010.[10]

2. The country team encouraged the Federated States of Micronesia to ratify CRPD and incorporate it into national law.[11]

3. The country team noted that, in ratifying CEDAW, the Federated States of Micronesia expressed reservations to article 11 (1) (d), regarding equal remuneration and recognition in employment; article 11 (2) (b), regarding maternity leave and comparable social benefits; article 2 (f), regarding the removal of discriminatory legislation, regulations, customs and practices; article 5, regarding the modification of the cultural and social patterns of conduct of men and women, including in respect of child-rearing responsibilities; article 16, regarding the elimination of discrimination against women in all matters relating to marriage and family relations; and article 29 (1), regarding the option for a party in a dispute concerning the interpretation or application of CEDAW to request arbitration.[12]

4. The country team also noted that, in responding to the 2010 report of the Working Group on the Universal Periodic Review, the Federated States of Micronesia accepted the recommendations calling for the withdrawal of the reservations to CEDAW. The country team reiterated those recommendations, which had been accepted by the State, and urged the Federated States of Micronesia to seek and utilize technical support in addressing national and federal constraints to the full adoption and implementation of CEDAW.[13]

5. The country team noted that during the first cycle of the universal periodic review the Federated States of Micronesia had accepted the recommendation on seeking membership in the International Labour Organization with a view to ratifying its fundamental conventions. The country team encouraged the Federated States of Micronesia to continue to consider and make progress towards the fulfilment of that recommendation.[14]

B. Constitutional and legislative framework

6. The country team noted that section 5 of article IV of the Constitution included provisions for non-discrimination on the grounds of sex, race, ancestry, national origin, language and social norms. However, the Constitution did not include gender, sexual orientation or disability as grounds for non-discrimination. The country team encouraged the passage of constitutional amendments to include gender, sexual orientation and disability as grounds for non-discrimination.[15]

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies

Reporting status

Treaty body	*Concluding observations included in previous review*	*Latest report submitted since previous review*	*Latest concluding observations*	*Reporting status*
Committee on the Elimination of Discrimination against Women	-	2015	-	Initial report pending consideration
Committee on the Rights of the Child	January 1998	-	-	Second report overdue since 2000. Initial report on OP-CRC-SC overdue since 2014

7. The country team highlighted that the Federated States of Micronesia had yet to fulfil its reporting obligations under CRC and OP-CRC-SC. While acknowledging the challenges faced by small island developing States in meeting their reporting obligations, the country team encouraged the Federated States of Micronesia to submit its periodic report on the implementation of CRC, which was due in June 2000, and its report on the implementation of OP-CRC-SC, which was due in May 2014, and to seek and utilize technical support and resources from the United Nations entities such as the United Nations Children's Fund and development agencies to accelerate efforts to fulfil its reporting and implementation obligations in respect of OP-CRC-SC.[16]

B. Cooperation with special procedures[17]

	Status during previous cycle	*Current status*
Standing invitation	No	No
Visits undertaken	-	-
Visits agreed to in principle	-	-
Visits requested	-	-
Responses to letters of allegation and urgent appeals	During the period under review, no communications were sent.	
Follow-up reports and missions		

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Right to life, liberty and security of person

8. The country team emphasized that there was no federal legislation on domestic violence and that only Kosrae State had passed such legislation. It urged the Federated States of Micronesia to introduce federal legislation criminalizing violence against women.[18]

9. The country team encouraged the government of Kosrae to implement the State Family Protection Act by strengthening health services and developing the capacity of key stakeholders, including the police and the courts, providing redress for victims and survivors of violence and making ongoing efforts to raise community awareness and address cultural challenges to the elimination of violence against women.[19]

10. The country team noted that, in incorporating into national law and in advancing the minimum standards for the elimination of human trafficking, the States of Pohnpei, Chuuk, Kosrae and Yap implemented anti-trafficking regulations in 2012. It noted as positive the enactment of those regulations, as recommended and accepted in the 2010 report of the Working Group on the Universal Periodic Review.[20]

11. The country team encouraged ongoing efforts to implement those regulations through the investigation, prosecution and punishment of all human trafficking offenders and by developing procedures for the proactive identification of human trafficking victims among foreign workers and fishermen and by increasing community awareness on human trafficking and effective victim support mechanisms.[21]

B. Right to marriage and family life

12. The country team noted that the minimum legal age for marriage in the Federated States of Micronesia was 18 years for boys and 16 years for girls, but that girls under 16 may marry with parental consent.[22]

13. The country team encouraged the passage of a legislative amendment to raise the minimum age of consent to marriage for girls to 18 years, in line with CRC and article 16 (2) of CEDAW.[23]

C. Freedom of expression and right to participate in public and political life

14. The United Nations Educational, Scientific and Cultural Organization (UNESCO) noted that there was no freedom of information in the country and recommended that the Federated States of Micronesia introduce an access to information law that is in accordance with international standards.[24]

15. The country team highlighted that the Federated States of Micronesia had a 14-member Congress and that although women had run as candidates no woman had ever been elected to Congress. In 2012, Congress introduced a bill reserving seats for women. However, it did not achieve the required support. The country team urged the Government to consider adopting temporary special measures to address the critical underrepresentation of women in Parliament and Congress.[25]

D. Right to work and to just and favourable conditions of work

16. According to the country team, there is currently no labour law in place in the Federated States of Micronesia setting out the minimum age and conditions of employment. Hence, it encouraged the Federated States of Micronesia to put in place labour laws that comply with article 32 of CRC, on protecting all children from economic exploitation, setting the minimum age for admission to employment and regulating work conditions. It also encouraged the Government to enact legislative reforms with a view to addressing the issue of persons who expose children to a hazardous work environment or interfere with their education, right to health and social development through employment.[26]

E. Right to social security and to an adequate standard of living

17. The country team noted that a large and growing section of the population across the country lived off subsistence activities such as the production of breadfruit, coconuts, bananas, betel nuts, cassava, taro and kava. These people were excluded from receiving benefits provided by the Government, as the social security programme was primarily designed for people employed in the formal sector.[27]

18. The country team encouraged the Government to introduce a broader social protection system aimed at assisting marginalized and vulnerable groups and individuals, in particular those in the informal sector, who do not benefit from the current social security programme.[28]

19. According to the country team, over the past two decades, the Federated States of Micronesia has made significant progress in increasing sanitation coverage. Access to better sources of drinking water is relatively high, but reaching the last 10 per cent of the population remains a challenge. The country team encouraged the Federated States of Micronesia to continue to strengthen efforts to increase sanitation coverage. Community approaches to total sanitation are critical. The country team further encouraged scaling up support to Chuuk State and the outer islands of Yap State in increasing their access to water and sanitation.[29]

F. Right to health

20. The country team noted that the Maternal and Child Health Programme of the Federated States of Micronesia provided clinical and outreach activities within communities and schools, and included efforts to reach out-of-school adolescents.[30]

21. The country team highlighted that the Federated States of Micronesia had made significant progress in reducing infant and under-5 mortality, showing a fundamental commitment to child health. Nearly 90 per cent of births occurred in a health facility.[31]

22. According to the country team, breastfeeding helps protect babies and young children against dangerous illnesses. There is a dearth of detailed data in the Federated States of Micronesia regarding breastfeeding practices, including on whether newborns are breastfed within one hour or one day of birth, on the mean duration of breastfeeding, on exclusive breastfeeding and on when solid foods are introduced into the infant's diet. Pohnpei is the only State with a baby-friendly hospital, which is an important step in the promotion of breastfeeding. Chuuk has an active breastfeeding support group, which might explain the higher rates of breastfeeding in that State.[32]

23. The country team stated that efforts were being made by the Federated States of Micronesia to reduce the risk posed by sexually transmitted infections and HIV through the

preventive health service. At the national and State levels, coordinators on sexually transmitted infections and HIV had been appointed. Faith-based groups, including churches, were also acknowledging and addressing the problems posed by such infections, and foreign donors were supporting prevention activities. The country team encouraged the strengthening of routine and active surveillance systems and of federal and State capacity to plan, implement, monitor and evaluate national programmes addressing sexually transmitted infections and HIV, paying special attention to reaching the most vulnerable and at-risk populations, including adolescents and youth.[33]

24. The country team also encouraged the Federated States of Micronesia to expand the availability and accessibility of affordable services for people living with HIV and other sexually transmitted infections, particularly women, children, adolescents and young people, by updating policies and guidelines on testing and counselling. On the prevention of mother-to-child transmission of HIV, the country team encouraged using rapid point-of-care tests; focusing on provider-initiated counselling and testing; ensuring that all HIV-positive pregnant women receive lifetime treatment in an effort to significantly reduce the risk of transmitting HIV to their children; and ensuring that infants born to HIV-positive mothers are tested for HIV within two months of birth so that they can begin lifesaving treatment immediately, if required.[34]

25. The country team highlighted the fact that immunization coverage varies widely between States and that according to official estimates it has decreased since the mid-2000s. The country is not achieving its own domestic target of 90 per cent of children completing all immunization by or before two years of age. The country team recommended the implementation of public health interventions to expand immunization coverage, including to rural communities and outer islands.[35]

26. The country team noted that malnutrition, which was a common problem among young children, was due more to the consumption of unhealthy or inappropriate food than to a lack of access to nutritious food. Micronutrient malnutrition was relatively common: around one third of pregnant women and infants screened in public hospitals were found to be anaemic in 2011. The country team encouraged the Federated States of Micronesia to continue its efforts to combat malnutrition and micronutrient deficiencies by ensuring the right to adequate food.[36]

27. The country team stated that, when considering child mortality as a whole, neonatal deaths accounted for 41 per cent of all deaths among children under 5 years of age. It encouraged the Federated States of Micronesia to ensure the right to health of newborns. Interventions could include focused antenatal care, early essential newborn care, emergency maternal and newborn care, breastfeeding, affordable neonatal intensive care for the seriously ill newborns and community follow-up for postnatal care, including community-based care for mothers and newborns.[37]

28. The country team stated that maternal mortality remained a concern. Maternal mortality rate was 127.7 deaths for every 100,000 live births. Women's access to reproductive health services remained low. Data showed that few women started receiving antenatal care in the first trimester of their pregnancy. The country team encouraged increased efforts to ensure access to early antenatal care, including for women in the outer islands and in isolated communities.[38]

29. According to the country team, the level of contraceptive use is low owing to various factors: poor service delivery due to geography, a lack of supplies and cultural and religious beliefs against contraceptive use. The unmet need for contraceptives is estimated at 44 per cent and the adolescent fertility rate is of 46 births for every 1,000 women of between 15 and 19 years of age. The country team encouraged the development of family planning and adolescent health policies and programmes for reproductive health education

and services and the strengthening of support services, including through the introduction of comprehensive sexuality education, youth-friendly services and counselling for both adolescents and their families.[39]

G. Right to education

30. UNESCO noted that the Federated States of Micronesia had a strategic plan to provide overall guidance for improving education in the country. However, the states of the federation had the primary responsibility for instruction, with the national Government providing support and assistance.[40] The country team noted that the Strategic Development Plan 2004-2023 contained five goals for the education sector: improving the quality of education, providing quality teaching, consolidating performance monitoring and data-based decision-making, strengthening participation in and accountability of the education system to the communities, and ensuring education that is relevant to the lives and aspirations of the people of the Federated States of Micronesia people.[41]

31. According to the country team, the Federated States of Micronesia is developing a kindergarten curriculum to enhance social skills through mathematics and language activities. It is anticipated that this will strengthen the standards and alignment of the early childhood education Country teamcurriculum with national benchmarks.[42]

32. UNESCO stated that, in 2012, the special education programme catered to the needs of nearly 1,900 children, most of whom had learning disabilities and speech impairments. The challenge of facilitating the transition of students and adults with disabilities between home, early childhood education, school, college and work remained.[43]

33. The country team noted that, according to the 2010 census, some 85 per cent of primary-school-age children attended school in 2010, compared with only 55 per cent of secondary-school-age children. There were significant disparities between and within the four states.[44] UNESCO noted that the country had achieved gender parity in primary education but that boys tended to be at a disadvantage at the secondary level.[45]

34. The country team expressed concern about the quality of education: more than 40 per cent of pupils in eighth grade eight were scoring far below the national minimum benchmarks for mathematics and reading. The poor quality of learning and educational achievements was attributed to inadequate resources and a lack of qualified teachers.[46]

35. The country team noted that migration from rural to urban areas was on the increase, causing overcrowding in urban schools and the depletion of students in outer-island schools. It also noted other concerns, including poor school infrastructure and limited contact with schools on the outer islands, as well as the high cost of such contact, which made it difficult for state and Federal agencies to provide technical assistance and support.[47]

36. According to the country team, the early childhood education curriculum had been revised and was aligned to national benchmarks and standards. It noted that the use of the vernacular as the main language of instruction during the earliest years of school was recognized in early childhood education as a best practice. The country team recommended taking into consideration the gradual and slow introduction of English in early childhood education and the first year of primary school, while also supporting a strong foundation in language and literacy in the vernacular.[48]

37. The country team noted that, as the education budget had been decentralized to the states, funding for early childhood education had been deprioritized and early childhood education had suffered. It recommended that all states in the country ensure that primary education is compulsory, available and free to all. The country team also encouraged the

Federated States of Micronesia to provide funds for training and for the professional development and ongoing monitoring of teachers.[49]

H. Cultural rights

38. UNESCO encouraged the Federated States of Micronesia to fully implement the provisions of the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) that promote access to and participation in cultural heritage and creative expression.[50]

I. Persons with disabilities

39. The country team noted that the Constitution of the Federated States of Micronesia did not have specific provisions prohibiting discrimination against persons with disabilities. It encouraged the passage of constitutional amendments to explicitly prohibit discrimination on the grounds of disability.[51]

40. The country team noted the passage of the National Disability Policy (2009-2016) and a programme managed by the social security administration to protect employees from loss due to disability. It commended both initiatives.[52]

41. UNESCO too noted the National Policy on Disability, which was designed to increase awareness and inclusion of people with disabilities. UNESCO also noted that the remaining gaps in the system for delivering services to children with special needs were due to a critical shortage of appropriately trained professionals and to transportation problems.[53]

42. The country team expressed concern about the critical shortages of appropriately trained professionals and the limited access to transportation negatively affecting the human rights of children with disabilities. The country team encouraged the adoption of a rights-based approach to disability and encouraged the Federated States of Micronesia to seek technical support from the United Nations and development partners with a view to empowering and protecting the rights of persons with disabilities, including children.[54]

43. The country team noted that eligibility criteria for social security benefits was highly restrictive, as only formal-sector wage earners and their dependents could qualify. It encouraged the introduction of a broader social protection system aimed at assisting persons with disabilities, in particular those in the informal sector, who do not benefit from the current social security programme.[55]

J. Right to development, and environmental issues

44. The country team noted that in the Strategic Development Plan 2004-2023 water and sanitation issues were given high priority, with significant fund for infrastructure development earmarked to the sector. Issues such as climate change — from awareness-raising to the development of coastal management plans in all four States and of climate-proof facilities and structures that support social and other services — were also addressed.[56]

45. The country team encouraged the development and adoption of child-centred disaster risk reduction frameworks and strategies, which is crucial to the protection of children. It also encouraged the Federated States of Micronesia to engage with the United Nations and development partners wherever technical support was required.[57]

Notes

[1] Unless indicated otherwise, the status of ratification of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, http://treaties.un.org/. Please also refer to the United Nations compilation on the Federated States of Micronesia from the previous cycle (A/HRC/WG.6/9/FSM/2).

[2] The following abbreviations have been used in the present document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance

[3] Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and ICPPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; ICPPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; ICPPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: ICPPED, art. 30.

[4] Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). For the official status of ratifications, see International Committee of the Red Cross, www.icrc.org/IHL.

[5] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

[6] 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons, and 1961 Convention on the Reduction of Statelessness.

[7] Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see International Committee of the Red Cross, www.icrc.org/IHL.

[8] International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29); Abolition of Forced Labour Convention, 1957 (No. 105); Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Equal Remuneration Convention, 1951 (No. 100); Discrimination (Employment and Occupation Convention, 1958 (No. 111); Minimum Age Convention, 1973 (No. 138); Worst Forms of Child Labour Convention, 1999 (No. 182).

[9] ILO Worst Forms of Child Labour Convention, 1999 (No. 182).

[10] See the United Nations country team submission for the universal periodic review of the Federated States of Micronesia, para. 4. See also the 2010 report of the Working Group on the Universal Periodic Review (A/HRC/16/16, para. 61.2).

[11] See country team submission, para. 5.

[12] Ibid., para. 6.

[13] Ibid., para. 7. See also A/HRC/16/16, paras. 61.16 (Australia), 61.17 (Brazil/Spain), 61.18 (United Kingdom of Great Britain and Northern Ireland), 61.19 (Ecuador) and 61.20 (Mexico).

[14] See country team submission, para. 8. See also A/HRC/16/16, para. 61.5 (Spain).

[15] See country team submission, para. 9.

[16] Ibid., para. 10.

[17] For the titles of special procedures mandate holders, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.

[18] See country team submission, para. 13.

[19] Ibid., para. 14.

[20] Ibid., para. 15. Please also see A/HRC/16/16, para. 61.29 (United States of America).

[21] See country team submission: para. 16.

[22] Ibid., para. 17.

[23] Ibid., para. 18.

[24] UNESCO submission for the universal periodic review of the Federated States of Micronesia, paras. 33 and 39.

[25] See country team submission, paras. 19-20.

[26] Ibid., paras. 21-22.

[27] Ibid., para. 23.

[28] Ibid., para. 24.

[29] Ibid., para. 49.

[30] Ibid., para. 25.

[31] Ibid., paras. 26-27.

[32] Ibid., para. 28.

[33] Ibid., para. 29.

[34] Ibid., para. 30.

[35] Ibid , para. 31.

[36] Ibid., para. 32.

[37] Ibid., para. 33.

[38] Ibid., para. 34.

[39] Ibid., para. 35.

[40] See UNESCO submission, para. 5.

[41] See country team submission, para. 36. See also UNESCO submission, paras. 7-10.

[42] See country team submission, para. 37.

[43] See UNESCO submission, para. 16.

[44] See country team submission, para. 38.

[45] See UNESCO submission, para. 19.

[46] See country team submission, para. 39.

[47] Ibid., paras. 40-41.

[48] Ibid., para. 42.

[49] Ibid., para. 43.

[50] See UNESCO submission, para. 41.

[51] See country team submission, para. 46.

[52] Ibid., para. 44.

[53] See UNESCO submission, paras. 13-14.
[54] See country team submission, para. 47.
[55] Ibid., para. 48.
[56] Ibid., para. 50.
[57] Ibid., para. 51.

United Nations A/HRC/WG.6/23/FSM/3

General Assembly

Distr.: General
17 August 2015

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Twenty third session
2–13 November 2015

Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21

Federated States of Micronesia*

The present report is a summary of 3 stakeholders' submissions[1] to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Human Rights Council resolution 16/21, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* The present document was not edited before being sent to United Nations translation services.

GE.15-13860(E)

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I. Information provided by stakeholders

A. Background and framework

1. Scope of international obligations[2]

1. KALEIDOSCOPE stated that although the Federated States of Micronesia had not ratified many significant human rights treaties, which form the foundation of international human rights law, it had ratified both the Convention on the Elimination of All Forms of Discrimination Against Women and the Convention on the Rights of the Child.[3]

2. KALEIDOSCOPE recommended that the Federated States of Micronesia ratify all significant human rights treaties and their Optional Protocols to reinforce the implementation of, and compliance with, international human rights law for the benefit of the Lesbian, Gay, Bisexual, Transgender/Transsexual and Intersexed (LGBTI) community in the Federated States of Micronesia.[4]

2. Constitutional and legislative framework

3. International Center for Advocates Against Discrimination (ICAAD) noted that the national and state Governments of the Federated States of Micronesia guaranteed equal protection of the law regardless of gender. The national and state Governments also gave constitutional status to customary laws. For example, the Federated States of Micronesia Constitution states that "nothing in the Constitution takes away the functions of traditional leaders as recognized by custom and tradition". Additionally, the Constitution states that "the traditions of the people of the people of the Federated States of Micronesia may be protected by statute". A challenge cannot be made to such a statute on the basis that it is in violation of Article IV (Declaration of Rights). Finally, the Constitution empowers Congress to establish a Chamber of Chiefs consisting of traditional leaders from each state.[5]

4. In this connection, ICAAD expressed concern that such constitutional authority for legislation that protects customary law expressly enables such customary law to take precedence over the fundamental rights and freedoms in the Federated States of Micronesia's Bill of Rights. The effect of constitutional status being given to customary law throughout the Federated State of Micronesia, coupled with the absence of a provision that guarantees the precedence of equality law over customary law, leaves women with uncertain legal recourse and redress against discriminatory customary practices.[6]

5. KALEIDOSCOPE emphasized that the most fundamental protections and freedoms of the people of the Federated States of Micronesia were enshrined in the *Constitution of the Federated States of Micronesia*. Article IV of the Constitution was titled "Declaration of Rights" and it set out the definitive collection of legal freedoms and protections of the people of Micronesia. Article IV section 4 specifically dealt with the equality of persons before the law and states "equal protection of laws may not be denied or impaired on account of sex, race, ancestry, national origin, language or social status." Notably absent from this list, however, was the sexual orientation and gender identity of a person.[7] In this connection, KALEIDOSCOPE recommended that constitutional amendments be made to include sexual orientation and gender identity as prohibited grounds of discrimination in Article IV.[8]

B. Implementation of international human rights obligations

1. Equality and non-discrimination

6. KALEIDOSCOPE highlighted that the Federated States of Micronesia had obligations under its existing international law commitments to prevent and prohibit discrimination against women and children, and a child's parents or legal guardians, based on sexual orientation and gender identity.[9]

7. KALEIDOSCOPE noted that Micronesia had in recent years given several indications of its support for human rights, including those of LGBTI persons. Despite this, the Federated States of Micronesia was yet to introduce legislative change or take other meaningful steps to recognise these rights. In particular, the Federated States of Micronesia had not yet introduced any laws prohibiting discrimination against persons based on their sexual orientation or gender identity.[10] In this connection, KALEIDOSCOPE recommended that the Federated States of Micronesia enact comprehensive anti-discrimination legislation that prohibits discrimination on the grounds of sexual orientation and gender identity/expression.[11]

8. KALEIDOSCOPE stated that during the Federated States of Micronesia's first Universal Periodic Review in 2011, it was recommended that the Federated States of Micronesia include sexual orientation and gender identity as prohibited grounds for discrimination in legislation and equality initiatives, which was accepted by the Federated States of Micronesia. Despite the Federated States of Micronesia having accepted this recommendation, no steps had been taken to implement such initiatives.[12]

9. KALEIDOSCOPE stressed that a framework of legal reform needed to be implemented that will actively prevent and prohibit discrimination of LGBTI persons in all facets of life and society including employment, health and education in the Federated States of Micronesia. Such a framework should include legislation that specifically prohibits discrimination based on sexual orientation and gender identity in all aspects of Micronesian society, including, but not limited to, employment, education, and housing.[13]

10. KALEIDOSCOPE stated that in 2013, there were no known reports of violence, official societal discrimination or workplace discrimination against LGBTI people. However, the culture stigmatized public acknowledgement or discussion of certain sexual matters, and it is rare for individuals to identify themselves publically as LGBTI people.[14] In this connection, KALEIDOSCOPE recommended that the Federated States of Micronesia take other positive steps to counter stigma, stereotypes and prejudice against LGBTI people, including appropriate policy or educational initiatives.[15]

11. KALEIDOSCOPE also noted that the Federated States of Micronesia currently had in place laws which discriminate against LGBTI individuals. Under the *Code of the Federated States of Micronesia (1999)* joint adoption by same-sex couples was not permitted. In addition, the law did not permit the marriage of same-sex couples.[16] KALEIDOSCOPE recommended that the Federated States of Micronesia amend the *Code of the Federated States of Micronesia (1999)* to allow adoption of children by same-sex couples.[17]

2. Right to life, liberty and security of the person

12. ICAAD stated that national laws did not appear to legislate with regard to sexual offenses, but the laws of the four States acknowledged sexual assault as a crime.[18] ICAAD further noted that the sentences for sexual offenses were relatively light, which implies that sexual assault is not considered a serious criminal offence.[19]

13. ICAAD emphasized that marital rape was not expressly prohibited in the Federated States of Micronesia. In *Pohnpei*, an offender cannot be charged with sexual assault and sexual abuse if the complainant cohabits with the offender in an ongoing voluntary sexual relationship or if the offender is married to the complainant. ICAAD also highlighted that despite the Federated States of Micronesia's acceptance of France's recommendation to address marital violence during the previous UPR, yet, a comprehensive encompassing all 4 States and clear prohibition did not yet exist.[20]

14. According to ICAAD, outside of *Kosrae* State, there is no mandatory prosecution of domestic violence in the Federated States of Micronesia, nor a specific domestic violence offence. Domestic violence offences are prosecuted under general assault laws. The general assault laws are overly narrow in the definition of the applicable offense and did not include psychological or economic violence. Further, the general assault laws do not consider the unique nature of domestic violence due to the intimate relationship between the perpetrator and the victim. These provisions do not embrace the variety of situations that constitute domestic violence.[21]

15. ICAAD also noted that there were no governmental facilities to shelter and support women in abusive situations. In *Chuuk*, there was a private multi-purpose facility funded by an international donor in connection with an initiative of the *Chuuk* Women's Association. Such multi-purpose women's centre was established to house women's activities and raise awareness about women's issues, including domestic and sexual violence, but it does not include a shelter.[22]

16. ICAAD further noted that the State codes of *Chuuk, Pohnpei* and *Yap* contained an offense of incest that does not specify age, which means that women and girls under 18 can be charged with incest. Incest was typically perpetrated by men against girls and women in non-consensual coercive circumstances. Charging women and girls with incest failed to recognize the power imbalance between girls and women and male relatives.[23]

17. Global Initiative to End All Corporal Punishment of Children (GIECPC) emphasized that corporal punishment of children was still lawful, despite the country's accession to the Convention on the Rights of the Child in 1993 and the Government's acceptance of recommendations made during the UPR in 2010 to end all forms of violence against children and to ensure its laws comply with the Convention on the Rights of the Child.[24]

18. GIECPC further specified that in the Federated States of Micronesia, corporal punishment of children was unlawful as a sentence for crime and possibly in schools, but it was lawful in the home, alternative care settings, day care and penal institutions. There were immediate opportunities for prohibiting corporal punishment in the context of the review of the Criminal Code and of child protection legislation.[25]

19. GIECPC recommended that the Federated States of Micronesia prohibit all corporal punishment of children in all settings, including the home.[26]

3. Administration of justice, including impunity and the rule of law

20. ICAAD highlighted that legal representation was necessary to file a claim and obtain legal remedies for safety, at restraining or protection order; restitution for physical injuries and property damage, and payment of legal fees and medical bills. ICAAD also emphasized that no information was found as to the availability or quality of free and independent legal representation in the Federated States of Micronesia for sex and gender-based violence survivors.[27]

4. Right to marriage and family life

21. KALEIDOSCOPE noted that marriage between same-sex couples was not permitted in the Federated States of Micronesia: the marriage laws in the State of *Kosrae* state that a marriage performed in the state will only be valid if the male at the time of marriage is at least eighteen years of age and the female at least 16 years of age. As such, marriage is conceptualised and permitted between a man and a woman only.[28]

22. KALEIDOSCOPE also noted that same-sex couples were not permitted to adopt in the Federated States of Micronesia: the *Code of the Federated States of Micronesia (1999)* states that any suitable person who is not married or is married to the father or mother of a minor child, or a husband and wife may adopt a child not theirs by birth. While any "suitable person who is not married" may adopt, this would only allow one member of a same-sex couple to adopt as a single person. Joint adoption by a same-sex couple is not permitted.[29]

23. KALEIDOSCOPE recommended that the Federated States of Micronesia enact legislation permitting same-sex marriage or civil unions, as well as same-sex adoption.[30]

24. According to ICAAD, divorce in the Federated States of Micronesia is permitted either on fault based criteria (e.g. adultery, desertion and cruelty) or on the basis that there has been a two year separation. Fault-based divorces require proof of a matrimonial offense such as habitual rape or desertion placing women in the difficult position of having to proffer evidence that is often humiliating and affronting to her dignity. Consequently, women may choose not to attend a proceeding thereby increasing the difficulty of proving fault.[31]

25. ICAAD noted that all Federated States of Micronesia States included "the best interests of all" in determining custody. This did not place the child's interests as paramount and therefore violated the best interest of the child standard required under Article 16(f) of CEDAW.[32]

5. Right to participate in public and political life

26. ICAAD noted that cultural factors in the male-dominated society limited women's representation in government and politics. Women were represented in the middle and lower ranks of government, at both the national and state level, but participation of women at the highest levels of decision making remained very limited. ICAAD went on to state that the Federated State of Micronesia National Congress was composed of fourteen seats and none had ever been filled by a woman.[33]

6. Right to work and to just and favourable conditions of work

27. ICAAD noted that none of the Federated States of Micronesia or its island states had enacted legislation or mechanisms to protect the employment and labour rights of workers other than in the public service and the judiciary. There were no anti-discrimination provisions, no sexual harassment protection, no breaks for mothers to enable them to nurse young children during work hours, and no equal pay provisions except in *Pohnpei*, and limited maternity leave.[34]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.
Civil society
Individual submissions:

GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, (United Kingdom of Great Britain & Northern Ireland);
ICAAD	International Center for Advocates Against Discrimination, New York (United States of America);
KALEIDOSCOPE	Kaleidoscope Human Rights Foundation , Clayton, Victoria (Australia).

[2] The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

[3] KALEIDOSCOPE, para. 3.1.
[4] KALEIDOSCOPE, para. 7.5.
[5] ICAAD, para. 29.
[6] ICAAD, para. 30.
[7] KALEIDOSCOPE, para. 6.1.
[8] KALEIDOSCOPE, para. 6.3.
[9] KALEIDOSCOPE, para. 3.3.
[10] KALEIDOSCOPE, para. 1.2.
[11] KALEIDOSCOPE, para. 1.4 (a).
[12] KALEIDOSCOPE, para. 2.4. Please see Recommendations 61.52 of the 1st cycle UPR Working Group report (A/HRC/16/16) recommended by Canada.
[13] KALEIDOSCOPE, para. 5.3.
[14] KALEIDOSCOPE, para. 5.2.
[15] KALEIDOSCOPE, para. 5.5.
[16] KALEIDOSCOPE, para. 1.3.
[17] KALEIDOSCOPE, para. 1.4 (b).
[18] ICAAD, para. 1.

[19] ICAAD, para. 2.
[20] ICAAD, para. 3. Please see Recommendations 61.25 of the 1st cycle UPR Working Group report (A/HRC/16/16) recommended respectively by France.
[21] ICAAD, para. 5.
[22] ICAAD, para. 25.
[23] ICAAD, para. 8.
[24] GIECPC, p. 1.
[25] GIECPC, para. 2.1.
[26] GIECPC, p. 1.
[27] ICAAD, para. 17.
[28] KALEIDOSCOPE, para. 4.2.
[29] KALEIDOSCOPE, para. 4.4.
[30] KALEIDOSCOPE, para. 4.6.
[31] ICAAD, para. 21.
[32] ICAAD, para. 20.
[33] ICAAD, paras. 26 – 27.
[34] ICAAD, para.18.